

PATRICK COMPTON (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against UNITED COLLECTIONS BUREAU, INC. (“Defendant”):

1. Plaintiff's Complaint is based on Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices, and the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA").

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant's regularly conducts business in the State of Ohio, and as such, personal jurisdiction is established.



1           16.     Plaintiff initially told Defendant it had the wrong number and to stop calling in  
2 mid-June 2015.

3           17.     Defendant ignored Plaintiff's request and continued to call his cellular telephone.

4           18.     Plaintiff reiterated this request for calls to cease in September 2015.

5           19.     However, the calls continued.

6           20.     Plaintiff also used the automated prompt system on the phone to attempt to  
7 remove his number, but this also did not work as the calls continued.

8           21.     Once Defendant was aware that its calls were to the wrong person, continued calls  
9 could only have been for the purpose of harassment.

10          22.     Defendant also called at inconvenient times, such as when he is at work, or on  
11 weekends.

12          23.     Plaintiff told Defendant that it was not convenient for him to receive calls during  
13 these times.

14          24.     After Defendant ignored Plaintiff and continued to call, and in order to get the  
15 calls to stop, Plaintiff downloaded an app to his phone to block Defendant's calls.

16          25.     When placing these calls, Defendant used an automatic telephone dialing system  
17 and/or prerecorded voice to contact Plaintiff.

18          26.     Plaintiff knew that Defendant used an automatic telephone dialing system and/or  
19 prerecorded voice to contact him as an automated message would play at the beginning of the  
20 calls from Defendant.

21          27.     Plaintiff never consented to these calls being placed to his cellular telephone.

22          28.     Defendant's phone calls were not made for an emergency purpose, but rather to  
23 collect the debt of an unknown third party.  
24  
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1           29. By continuously calling over a debt he did not owe, and failing to update its  
2 records to avoid the further harassment of Plaintiff, Defendant engaged in conduct which had the  
3 natural consequences of harassing the recipient.

4           30. Defendant's actions, as described herein, were taken with the intent to harass,  
5 deceive and coerce payment from Plaintiff for a debt he does not owe.

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7                                   **COUNT I**  
8                                   **DEFENDANT VIOLATED § 1692b(3) OF THE FDCPA**

9           31. A debt collector violates section 1692b(3) of the FDCPA by communicating with  
10 any person other than the consumer in connection with the collection of any debt and stating that  
11 the consumer owes a debt.

12           32. Defendant violated section 1692b(3) of the FDCPA when it called Plaintiff  
13 looking for an unknown third party by the name of "Kendal Travick" on more than one occasion  
14 and stating that the third party owed a debt.

15                                   **COUNT II**  
16                                   **DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA**

17           33. A debt collector violates section 1692c(a)(1) of the FDCPA by communicating  
18 with a consumer in connection with the collection of any debt at any unusual time or place or a  
19 time or place known or which should be known to be inconvenient to the consumer. In the  
20 absence of knowledge of circumstances to the contrary, a debt collector shall assume that the  
21 convenient time for communicating with a consumer is after 8 o'clock antimeridian and before 9  
22 o'clock postmeridian, local time at the consumer's location.

23           34. Defendant violated section 1692c(a)(1) of the FDCPA when it called Plaintiff at  
24 inconvenient times, such as when he was at work and on weekends.  
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**COUNT III**  
**DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA**

35. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt.

36. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

37. Defendant violated §§ 1692d and 1692d(5) when it placed repeated harassing telephone calls to Plaintiff, including after Plaintiff told Defendant to stop calling and that it was calling the wrong party.

**COUNT IV**  
**DEFENDANT VIOLATED § 1692f OF THE FDCPA**

38. A debt collector violates § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.

39. Defendant violated § 1692f when it called his repeatedly including after it was told to stop calling, and when it called Plaintiff at school despite knowledge it was not convenient for his to receive calls at school.

**COUNT V**  
**DEFENDANT VIOLATED THE TCPA**

40. Defendant initiated multiple automated telephone calls to Plaintiff's cellular telephone.

41. Defendant initiated these automated calls to Plaintiff using an automatic telephone dialing system.

42. Defendant's calls to Plaintiff were not made for emergency purposes.

1           43. Defendant's calls to Plaintiff were not made with Plaintiff's prior express  
2 consent.

3           44. Defendant's calls continued despite Plaintiff telling Defendant's representatives  
4 to stop calling.

5           45. Defendant's acts as described above were done with malicious, intentional,  
6 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the  
7 purpose of harassing Plaintiff.  
8

9           46. The acts and/or omissions of Defendant were done unfairly, unlawfully,  
10 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal  
11 defense, legal justification or legal excuse.

12           47. As a result of the above violations of the TCPA, Plaintiff has suffered the losses  
13 and damages as set forth above entitling Plaintiff to an award of statutory, actual and treble  
14 damages.

15           WHEREFORE, Plaintiff, PATRICK COMPTON, respectfully prays for a judgment as  
16 follows:

- 17           a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);  
18           b. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);  
19           c. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15  
20 U.S.C. § 1692k(a)(2)(A);  
21           d. Statutory damages of \$500.00 per violative telephone call pursuant to 47 U.S.C.  
22 §227(b)(3)(B);  
23           e. Treble damages of \$1,500 per violative telephone call pursuant to 47 U.S.C.  
24 §227(b)(3);  
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- 1 f. All reasonable attorneys' fees, witness fees, court costs and other litigation costs  
2 incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3);  
3 g. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and  
4 h. Any other relief deemed appropriate by this Honorable Court.

5 **DEMAND FOR JURY TRIAL**

6 PLEASE TAKE NOTICE that Plaintiff, PATRICK COMPTON, demands a jury trial in  
7 this case.

8  
9 Respectfully submitted,

10 Dated: May 23, 2016

11 /s/ Amy L. Bennecoff Ginsburg  
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